

CITY OF KILLEEN
POLICE HEADQUARTERS



Killeen Police Department

2018 Racial Profiling Report



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Introduction

Welcome to the 2018 Racial Profiling Report, prepared and compiled by the Killeen Police Department's Intelligence Unit. Every year, the Killeen Police Department (KPD) complies with Article 2.123 of the Texas Code of Criminal Procedure, Law Enforcement Policy on Racial Profiling (see Appendix B for more detailed information).

As an agency conducting routine traffic stops, KPD submits a full report to the Texas Commission on Law Enforcement (TCOLE), per TCOLE guidelines (see Appendix A). Although KPD is only required to submit data and basic analytics, KPD strives to exceed this standard by providing not only TCOLE submission data, but additional information related to bias-based profiling in this report.

In previous years, racial profiling data collection only required race and ethnicity of the individual detained during a traffic stop during which an officer issued a citation or made an arrest. Documentation on searches was also required, including whether or not consent to search was given. In recent years, legislative changes required additional information be collected and reported for racial profiling purposes. These changes include the following: race and ethnicity categories expanded to include Alaska Native or American Indian, Asian or Pacific Islander, Black/African, White/Caucasian, and Hispanic; requirement for officers to report whether race or ethnicity of a detained individual was known prior to the traffic stop; and annual agency submission of data to TCOLE. These legislative changes have brought the State of Texas into compliance with national reporting standards.

KPD reports raw data to TCOLE, per their guidelines. However, numbers do not account for varying situations which may lead to a traffic stop. Thus, it is important to understand that assumptions should not be made strictly on the raw data.

In 2018, there were no complaints submitted to KPD regarding bias-based profiling, and subsequently no investigations into any allegations.

Any questions or concerns regarding the information contained within this report can be directed to our website (www.killeenpd.com) or by calling us at (254) 501-8800.

Killeen Police Department Intelligence Unit

Numbers at a Glance



12,490
traffic stops

9.15%
of traffic stops
resulted in an
arrest



74%
of traffic stop arrests
were males

16%
consented
to search

52 incidents with alcohol present



36 weapons seized

Arrest Demographics

61%
Black/African

18%
White/Caucasian

19%
Hispanic

2%
Asian

Less than **1%** of
individuals arrested
were Middle Eastern or
Native American.

Reason for Stop

82% moving traffic violation

11% violation of law other than traffic

5% vehicle traffic violation
(equipment, registration, inspection)

1% pre-existing knowledge
(e.g., warrant)

Summary of Data

Data in the following table comes from multiple sources, including the U.S. Census, KPD's Records Management System, the court system, and Bell County Communications Center. KPD policy is to issue written warnings, not verbal warnings.

As stated previously, raw data can be misconstrued without proper context (see Interpreting the Data on page 7).

Table 1: 2018 Summary of Motor Vehicle Stop Data

	Black/ African	Asian / Pacific Islander / Native Hawaiian	White/ Caucasian	Hispanic / Latino	Middle Eastern	Native American/ Alaska Native
Killeen Population % (approximate)*	34.4%	6.4%	25.5%	27.8%	--	0.2%
Motor Vehicle Crash %	38.5%	3.68%	32.25%	16.11%	--	0.08%
% Female	50.2%	61.01%	45.89%	49.21%	--	20%
% Male	49.8%	38.99%	54.11%	50.79%	--	80%
Traffic Stops	6416	272	3688	2111	2	1
Traffic Stop %	51.37%	2.18%	29.53%	16.9%	0.02%	0.01%
Arrests, Citations, and Warnings						
Traffic Stops	6416	272	3688	2111	2	1
Arrests	736	20	218	231	1	1
Arrest %	11.47%	7.35%	5.91%	10.94%	50%	100%
Citations	5680	252	3470	1880	1	0
Citation %	88.53%	92.65%	94.09%	89.06%	50%	0%
Warnings	2377	132	1250	581	0	1
Warning %	37.05%	48.53%	33.89%	27.52%	0%	50%

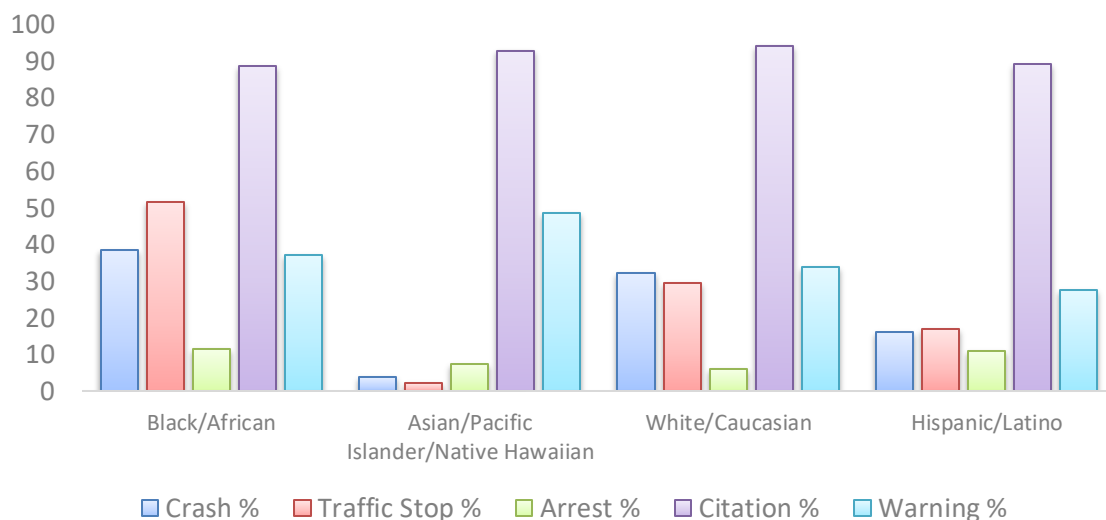
*Population percentage is based on 2017 U.S. Census data. The U.S. Census defines Hispanic or Latino as an ethnicity instead of race; therefore, a person can be counted in both the race and ethnicity categories. 5.7% of the population is classified as race Other, which is not included in KPD's racial profiling submissions.

When attempting to determine whether bias plays a part in officer action, it is more useful to compare demographics of traffic incidents with a relevant baseline population, such as total drivers in the Killeen-Fort Hood region. Establishing this baseline is extremely difficult due to several factors, including Killeen's very transient nature. Therefore, any comparison made between traffic stops and demographics will only account for population of Killeen overall. General demographics also do not reflect the racial or ethnic baseline of the driving population.

For our report, traffic crash data is considered a more appropriate comparison, since this data can more closely represent the racial or ethnic baseline for drivers in the city. This data has been provided in Table 1 (page 6, referred to as motor vehicle crash).

Compared to traffic crash data, there is a higher percentage of traffic stops for African Americans, slightly higher percentage for Hispanics and Latinos, and a lower percentage for Caucasians. Although this may seem concerning, it is important to understand that an officer was aware of a person's race before the stop only 1.35% of the time. In the remaining traffic stops where the officer did not know race or ethnicity prior to the stop, the officer was permitted to ask the individual the race or ethnicity by which they identify themselves.

**Comparison of Traffic Crashes and Enforcement Action
Between Racial and Ethnic Groups***



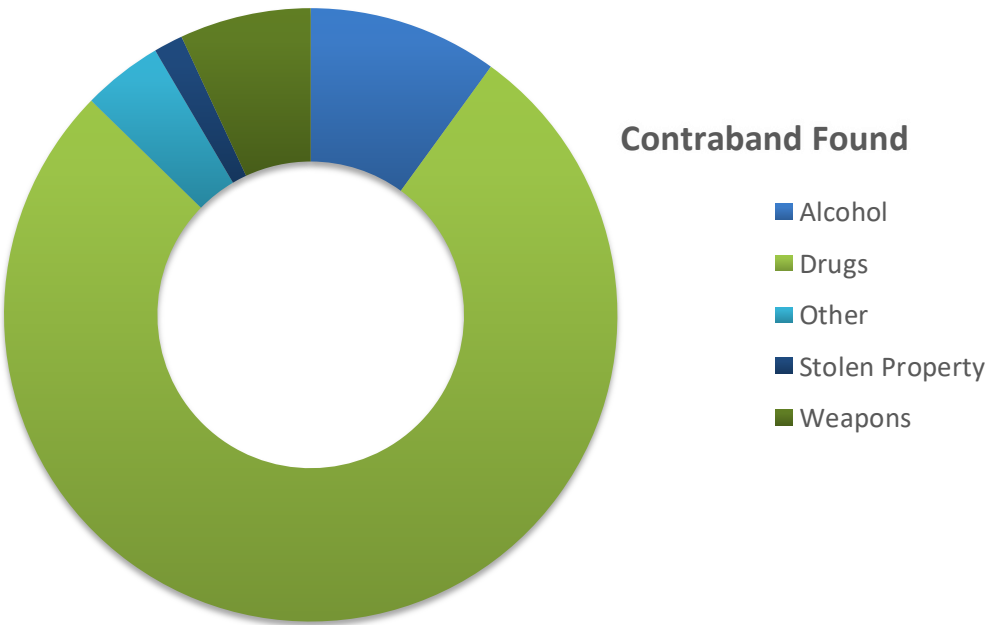
* Middle Eastern and Native American / Alaska Native categories were not included in the graph due to negligible numbers. Data is still reflected in Table 1.

Arrests

Data shows the highest number of arrests were of African Americans, followed by Hispanics and Caucasians. However, African Americans were arrested as the result of a traffic stop only 11.47% of the time, with Hispanics arrested a close 10.94% of the time and Caucasians arrested 5.91% of the time. Approximately 48% of all arrests were due to a penal code violation, with 32% of arrests resulting from an outstanding warrant.

Table 2: Summary of Arrest Data

	Traffic Stop Arrests	Female	% Female	Male	% Male
Black / African	736	178	24.18%	557	75.68%
Asian / Pacific Islander / Native Hawaiian	20	5	25%	15	75%
White / Caucasian	218	79	36.24%	138	63.3%
Hispanic / Latino	231	52	22.51%	181	78.35%
Middle Eastern	1	0	0%	1	100%
Native American / Alaska Native	1	1	100%	0	0%



Citations and Warnings

The majority of stops and citations resulted from a moving traffic violation, such as speeding or running a red light. Gender split for citations was more equal than for arrests. Approximately 14% of citations were minor-related, with more male minors issued citations than female minors. For all traffic stops, individuals were significantly more likely to receive a citation or warning than be arrested, regardless of race or ethnicity. Exceptions to this trend are seen with the two Middle Eastern males (1 arrest, 1 citation) and single Native American / Alaska Native female (arrest).

Table 3: Summary of Citation Data

	Traffic Citations	Resident	% Res*	Female	% Female	Male	% Male
Black / African	5680	4472	78.73%	2352	41.41%	3328	58.59%
Asian / Pacific Islander / Native Hawaiian	252	189	75%	145	57.54%	107	42.46%
White / Caucasian	3470	2061	59.39%	1471	42.39%	1999	57.61%
Hispanic / Latino	1880	1337	71.12%	729	38.78%	1118	61.22%
Middle Eastern	1	1	100%	0	0%	1	100%
Native American / Alaska Native	0	0	--	0	--	0	--

* % Res reflects the percentage of individuals given traffic citations who were residents of Killeen at the time of the citation.

Table 4: Summary of Warning Data

	Traffic Warnings	Female	% Female	Male	% Male
Black / African	2377	909	38.24%	1468	61.76%
Asian / Pacific Islander / Native Hawaiian	132	55	41.67%	77	58.33%
White / Caucasian	1250	514	41.12%	736	58.88%
Hispanic / Latino	581	241	41.48%	340	58.52%
Middle Eastern	0	0	--	0	--
Native American / Alaska Native	1	1	100%	0	0%

Appendices



Appendix A:

TCOLE Guidelines

TEXAS COMMISSION ON LAW ENFORCEMENT

What does it mean when an Agency Reports as Racial Profiling Tier 1-Partially Exempt?

Each agency must select the racial profiling reporting option that applies to their particular situation.

When an agency chooses to report as **Partial Exemption** or **Tier 1** Reporting under [Texas Code of Criminal Procedure §2.135](#), the agency is stating that it routinely performs traffic stops or motor vehicle stops, and that the vehicles that routinely perform these stops are equipped with video and audio equipment. The agency must maintain videos for 90 days after the stop, or if a complaint is received, until the disposition of the complaint. An agency that has requested, and has not received, funds to install the recording equipment may also file under partial exemption in accordance with §2.135(a)(2).

The data collected for **Tier 1** (Partial Exemption) reports must include:

- the number of motor vehicle stops,
- the number of types of race or ethnicity of the person(s) who were stopped was,
- the number of stops that the race or ethnicity was known prior to the stop.
- the number of stops in which a search was conducted
- number of searches that consent was received prior to search.

The Chief Administrator of the agency must also certify that they have adopted a detailed written policy on racial profiling. Under Code of [Criminal Procedure §2.132\(b\)](#), every law enforcement agency is required to have a racial profiling policy, which must:

- (1) clearly define acts constituting racial profiling;
- (2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;
- (3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual; (4) provide public education relating to the

agency's complaint process; (5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article; (6) require collection of information relating to motor vehicle stops in which a citation is issued and to arrests made as a result of those stops, including information relating to:

(A) the race or ethnicity of the individual detained; (B) whether a search was conducted and, if so, whether the individual detained consented to the search; and

(C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and

(7) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:

(A) the Texas Commission on Law Enforcement; and

(B) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.



Appendix B:

State of Texas Legislation

Texas Code of Criminal Procedure

Art. 2.132. LAW ENFORCEMENT POLICY ON RACIAL PROFILING.

(a) In this article:

(1) "Law enforcement agency" means an agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make motor vehicle stops in the routine performance of the officers' official duties.

(2) "Motor vehicle stop" means an occasion in which a peace officer stops a motor vehicle for an alleged violation of a law or ordinance.

(3) "Race or ethnicity" means the following categories:

- (A) Alaska native or American Indian;
- (B) Asian or Pacific Islander;
- (C) black;
- (D) white; and
- (E) Hispanic or Latino.

(b) Each law enforcement agency in this state shall adopt a detailed written policy on racial profiling. The policy must:

- (1) clearly define acts constituting racial profiling;
- (2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;
- (3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;
- (4) provide public education relating to the agency's complaint and complaint process, including providing the telephone number, mailing address, and e-mail address to make a complaint or complaint with respect to each ticket, citation, or warning issued by a peace officer;

(5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;

(6) require collection of information relating to motor vehicle stops in which a ticket, citation, or warning is issued and to arrests made as a result of those stops, including information relating to:

(A) the race or ethnicity of the individual detained;

(B) whether a search was conducted and, if so, whether the individual detained consented to the search;

(C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual;

(D) whether the peace officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop;

(E) the location of the stop; and

(F) the reason for the stop; and

(7) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:

(A) the Texas Commission on Law Enforcement; and

(B) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

(c) The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.

(d) On adoption of a policy under Subsection (b), a law enforcement agency shall examine the feasibility of installing video camera and transmitter-activated equipment in each agency law enforcement motor vehicle regularly used to make motor vehicle stops and transmitter-activated equipment in each agency law enforcement motorcycle regularly used to make motor vehicle stops. The agency also shall examine the feasibility of equipping each peace officer who regularly detains or stops motor vehicles with a body worn camera, as that term is defined by Section 1701.651, Occupations Code. If a law enforcement agency installs video or audio equipment or equips peace officers with body worn cameras as provided by this subsection, the policy adopted by the agency under Subsection (b) must include standards for reviewing video and audio documentation.

(e) A report required under Subsection (b)(7) may not include identifying information about a peace officer who makes a motor vehicle stop or about an individual who is stopped or arrested by a

peace officer. This subsection does not affect the collection of information as required by a policy under Subsection (b)(6).

(f) On the commencement of an investigation by a law enforcement agency of a complaint described by Subsection (b)(3) in which a video or audio recording of the occurrence on which the complaint is based was made, the agency shall promptly provide a copy of the recording to the peace officer who is the subject of the complaint on written request by the officer.

(g) On a finding by the Texas Commission on Law Enforcement that the chief administrator of a law enforcement agency intentionally failed to submit a report required under Subsection (b)(7), the commission shall begin disciplinary procedures against the chief administrator.

(h) A law enforcement agency shall review the data collected under Subsection (b)(6) to identify any improvements the agency could make in its practices and policies regarding motor vehicle stops.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 25, eff. September 1, 2009.

Acts 2013, 83rd Leg., R.S., Ch. 93 (S.B. 686), Sec. 2.05, eff. May 18, 2013.

Acts 2017, 85th Leg., R.S., Ch. 173 (H.B. 3051), Sec. 1, eff. September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 950 (S.B. 1849), Sec. 5.01, eff. September 1, 2017.



Appendix C:

Killeen Police Department Policy

Killeen Police Department has adopted a detailed written policy on racial profiling. Our policy:

- 1) clearly defines acts constituting racial profiling;
- 2) strictly prohibits peace officers employed by the Killeen Police Department from engaging in racial profiling;
- 3) implements a process by which an individual may file a complaint with the Killeen Police Department if the individual believes that a peace officer employed by the Killeen Police Department has engaged in racial profiling with respect to that individual;
- 4) provides public education relating to the agency's complaint process;
- 5) requires appropriate corrective action to be taken against a peace officer employed by the Killeen Police Department who, after an investigation, is shown to have engaged in racial profiling in violation of the Killeen Police Department's policy adopted under this article;
- 6) require collection of information relating to motor vehicle stops in which a citation is issued and to arrests made as a result of those stops, including information relating to:
 - a) the race or ethnicity of the individual detained;
 - b) whether a search was conducted and, if so, whether the individual detained consented to the search; and
 - c) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and
- 7) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision(6) to:
 - a) the Commission on Law Enforcement; and
 - b) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

For KPD's full Bias Based Profiling Policy, see Appendix D.



Appendix D:

Killeen Police Department Bias Based Profiling

KILLEEN POLICE DEPARTMENT GENERAL ORDERS, POLICIES AND PROCEDURES

Part B – Enforcement Operations

Document Title: **Bias Based Profiling**

Document: **B102.6**

Authority: Dennis M. Baldwin, Chief of Police

Effective: 12-10-12

CALEA Standard: 1.2.9

Replaces: B102 ver. 10-11-12

.01 Purpose

The purpose of this policy is to clearly establish the Killeen Police Department's commitment to unbiased policing in all encounters between officers and all members of the public, to reinforce procedures that serve to ensure public confidence and mutual trust through fair and equitable services, and to protect officers from unwarranted accusations of misconduct when they act within department policy and the law. This policy is adopted in compliance with the requirements of Articles 2.131 through 2.132 of the Texas Code of Criminal Procedure, which prohibits racial profiling by Texas peace officers.

.02 Definitions

- A. Bias based profiling: means a law enforcement-initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity. The term pertains to persons who are viewed as suspects or potential suspects of criminal behavior, and is not relevant as it pertains to witnesses, complainants or other citizen contacts.
- B. Race or ethnicity: means of a particular descent, including, but not limited to, Caucasian, African, Hispanic, Asian or Native American.

- C. Pedestrian stop: an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest. As of January 1, 2010, required reports no longer must contain data on pedestrian stops (CCP Article 2.133)
- D. Traffic stop: the stopping of a motor vehicle by a peace officer for an alleged violation of law or ordinance.
- E. Acts constituting bias based profiling: acts initiated by law enforcement action, such as a traffic stop, detention, search, issuance of a citation, or an arrest based solely on an individual's race, ethnicity, or national origin or on the basis of racial or ethnic stereotypes, rather than upon the individual's behavior, information identifying the individual as having possibly engaged in criminal activity, or other lawful reasons for the law enforcement action.

.03 Prohibition

1.2.9a

All peace officers of the City of Killeen are strictly prohibited from engaging in bias based profiling as defined in this policy. This prohibition includes, but is not limited to, traffic contacts, field contacts, and asset and forfeiture efforts. The prohibition against racial profiling does not preclude officers from offering assistance to citizens, nor does it prohibit stopping someone suspected of a crime based upon observed actions and/or information received about the person, regardless of race, ethnicity or national origin. Bias based profiling is an unacceptable policing tactic and will not be condoned.

.04 Complaint Investigation

- A. The department shall accept complaints from any person who believes he or she has been stopped or searched based on racial, ethnic or national origin profiling. No person shall be discouraged, intimidated or coerced from filing a complaint, nor discriminated against because he or she filed such a complaint.
- B. When an allegation of bias based profiling is made, an initial review will be conducted in compliance with the complaint process outlined in General Order A109, Internal Affairs. If a preliminary review indicates bias based profiling may have occurred, a signed written complaint and the initial review information will be forwarded to the Internal Affairs for subsequent investigation. The complainant shall be given, at a minimum, the name of the IA Lieutenant to speak with and telephone number for Internal Affairs office.
- C. In order to initiate an investigation, a signed, written complaint must be submitted, either by the complainant or an employee notified by the complainant. Where an employee completes the written complaint, the following information must be included on the Personnel Complaint Form:
 - 1. The time, place and details of the alleged incident;

2. The identity or description of the officer involved; and
 3. The identity of the complainant; and a manner of contacting the complainant. Complaints will be accepted by mail.
- D. Investigation of a complaint shall be conducted in a thorough and timely manner. Receipt of each complaint shall be acknowledged to the complainant in writing. All such complaints shall be reviewed and investigated by the Internal Affairs Unit within a reasonable period of time, and the results of the review and investigation shall be filed with the Chief and with the complainant.
- E. In the event that a complaint of bias based profiling filed by a complainant involves an occurrence that was recorded on video or audio, the Internal Affairs Unit shall, upon commencement of the investigation of the complaint and upon written request of the officer, promptly provide a copy of the recording to the officer.

.05 Corrective Action**1.2.9c**

Any officer who is found, after investigation, to have engaged in bias based profiling in violation of this policy shall be subject to corrective action, which may include one or more of the following: reprimand; diversity, sensitivity or other appropriate training or counseling; unpaid suspension; termination of employment; or other appropriate action as determined by the Chief of Police.

.06 Public Information

The Killeen Police Department shall provide education and information to the public concerning the department's bias based profiling policy and the complaint process. The department's policy will be incorporated into the department's website and into civic presentations, where applicable. The department may also utilize the news media and Internet as needed.

.07 Citation Data Collection & Reporting

- A. For each traffic or pedestrian stop in which a citation is issued and for each arrest resulting from such traffic or pedestrian stops, a peace officer involved in the stop shall collect the following information:
1. The race or ethnicity of the person detained.

2. If a search of the vehicle was conducted.
3. If a search was conducted, document whether the person consented to the search.
4. If the officer knew the race of the individual detained prior to detaining him

This data is collected through information required to be posted in citations and in arrest documentation.

- B. Annually, the Internal Affairs Unit will conduct an administrative review of the department's practices, including citizen concerns, to ensure an open communication is maintained with the community. The IA Lieutenant will obtain input from the Intelligence Unit, the Public Affairs Office and the SID Classified Activities Lieutenant. **1.2.9d**

- C. Information collected from January 1st through December 31st of each year shall be compiled in an annual report and submitted to the Texas Commission on Law Enforcement Officers Education and Standards and the Killeen City Council no later than March 1 of the following year. The annual report shall not include identifying information about any individual stopped or arrested, and shall not include any identifying information about any peace officer involved in a stop or arrest.

.09 Training

1.2.9b

- A. All officers shall complete a Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) training and education program on racial profiling no later than the second anniversary from the date the officer is licensed under Chapter 1701 of the Texas Occupations Code or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier.
- B. During years where TCLEOSE Bias Based Profile training is not mandated, a training module will be included in the department's annual training. The module may cover profiling areas such as, field contacts, traffic stops, search issues, asset seizure and forfeiture, interview techniques, cultural diversity, discrimination, legal aspects, and community support.
- C. The Chief, as part of continued education, shall attend training as mandated by the Texas Legislature for Chiefs of Police for cities with a population greater than 100,000.

.10 Use and Review of Audio and Video Equipment – See Standard Operating Procedure PTL-19

END OF DOCUMENT